

**Minutes  
Hurst City Council  
Work Session  
Tuesday, November 26, 2019**

On the 26<sup>th</sup> day of November 2019, at 5:00 p.m., the City Council of the City of Hurst, Texas, convened in Work Session at City Hall, 1505 Precinct Line Road, Hurst, Texas, with the following members present:

Henry Wilson	)	Mayor
Larry Kitchens	)	Mayor Pro Tem
David Booe	)	
Bill McLendon	)	
Cindy Shepard	)	
Jon McKenzie	)	
Clay Caruthers	)	City Manager
John Boyle	)	City Attorney
Matthew Boyle	)	Assistant City Attorney
Rita Frick	)	City Secretary
Clayton Fulton	)	Assistant City Manager
Malaika Marion Farmer	)	Assistant City Manager
Kyle Gordon	)	Executive Director of Community Services
Michelle Lazo	)	Executive Director of Development
Steve Bowden	)	Executive Director of Economic Development
Greg Dickens	)	Executive Director of Public Works
Robert Wallace	)	Building Official

With the following Councilmembers absent: Cathy Thompson, constituting a quorum, at which time, the following business was transacted:

- I. Call to Order** – the meeting was called to order at 5:00 p.m.
- II. Conduct interviews and discuss Board, Commission and Committee appointments.**  
Council interviewed and discussed applicants for Boards, Commissions and Committees.
- III. Informational Items**
  - **Update and Discussion of John Butler Memorial Senior Banquet** – Recreation Manager Amy Oden briefed Council on the program for the John Butler Memorial Senior Banquet, December 14, 2019.
  - **Update and Discussion of the Christmas Tree Lighting Event** – Recreation Manager Amy Oden briefed Council on the upcoming Christmas Tree Lighting and Santa event, December 3, 2019.
  - **Update and Discussion of the Hurst Public Facilities Corporation (HPFC)** – City Manager Caruthers briefed Council on the signature requirements of the HPFC Application Eligibility Certification for project funding.

City Manager Caruthers also noted an invitation from Gardner Capital to tour the new Provision at North Valentine apartment complex and staff will confirm the date.

**EXECUTIVE SESSION in Compliance With the Provisions of the Texas Open Meetings Law, Authorized by Government Code, Section 551.087 deliberation and conducting of economic development negotiations regarding financial information relative to prospective business expansion in the city and Section 551.071, Consultation with City Attorney to seek advice regarding Pending or Contemplated Litigation or Settlement Offers (Dakota Place Apartments) to reconvene in Open Session at the conclusion of the Executive Session.**

Mayor Wilson recessed the meeting to Executive Session at 5:40 p.m. in compliance with the provisions of the Texas Open Meetings Law, authorized by Government Code, Section 551.087 deliberation and conducting of economic development negotiations regarding financial information relative to prospective business expansion in the city and Section 551.071, Consultation with City Attorney to seek advice regarding Pending or Contemplated Litigation or Settlement Offers (Dakota Place Apartments) and reconvened Open Session at 5:53 p.m.

The following agenda items were discussed in this order: V, VI, VII and IV was not discussed.

**IV. Discussion of Agenda Item(s) 3**

Conduct a Public Hearing and consider ordering the repair, removal or demolition of property located at 450 E. Hurst Blvd, Hurst, Texas; Lot A3, Block 14, of the Holder Estates subdivision (Dakota Place Apartments) and to consider the possible levying of civil penalties.

**V. Discussion of Agenda Item(s) 4**

Consider approval of Resolution 1753 authorizing the City of Euless to serve as the sponsoring agency to prepare and file the Solid Waste Pass-Through Grant application on behalf of the City of Hurst.

Fire Chief David Palla briefed Council on the proposed resolution authorizing the City of Euless to serve as the sponsoring agency to prepare and file the Solid Waste Pass-Through Grant application on behalf of the City of Hurst noting the importance of having contracts in place when a disaster occurs to expedite the recovery time.

**VI. Discussion of Agenda Item(s) 5**

Consider authorizing the city manager to enter into a Lease Agreement and Memorandum of Lease Agreement with Blue Sky Towers III, LLC, for a ground lease and construction of a radio/communications cell tower at 1235 Hurstview Drive.

Executive Director of Public Works Greg Dickens briefed Council on the proposed Lease Agreement and Memorandum of Lease Agreement with Blue Sky Towers III, LLC, for a ground lease and construction of a radio/communications cell tower at 1235 Hurstview Drive noting the new 125' tower will replace the existing 80' tower. He explained the design of the tower is for it to buckle and collapse within the 50' square in case of some type

of failure and the lease is for an initial period of 60 months with an option of four successive five-year automatic renewals. The City will receive a one-time \$500 payment upon execution of the agreements and, thereafter, with payments of \$1,200 each month for the term. Mr. Dickens stated the contract allows for the HAM radio operators use.

**VII. Discussion of Agenda Item(s) 6**

Consider authorizing the city manager to enter into a letter engagement agreement with Bickerstaff Heath Delgado Acosta, LLP, for representation of the City in SB 1004/SB1152 litigation regarding right-of-way acquisition.

Assistant City Manager Clayton Fulton briefed Council on the proposed letter engagement agreement with Bickerstaff Heath Delgado Acosta, LLP, for representation of the City in SB 1004/SB1152 litigation regarding right-of-way acquisition. Mr. Fulton reviewed legislation passed in 2017 restricting a city's ability to collect fees and in 2019 legislation passed effectively eliminating half of franchise fees, which resulted in litigation. He explained the basis of the lawsuit, approximately 50 cities joined the suit, and the impact to the City is approximately a \$300,000 deficit. Mr. Caruthers stated if the City joins the lawsuit, the cost is approximately \$5,600 with no further financial obligation.

**Adjournment – The meeting adjourned at 6:15 p.m.**

**APPROVED** this the 10<sup>th</sup> day of December 2019.

**ATTEST:**

  
\_\_\_\_\_  
Rita Frick, City Secretary

**APPROVED:**

  
\_\_\_\_\_  
Henry Wilson, Mayor